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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/714,885

11/18/2003

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0717-0520P

2816

2292 7590 11/26/2010
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EXAMINER

WUJCIAK, ALFRED J

ART UNIT

PAPER NUMBER

3632

NOTIFICATION DATE

DELIVERY MODE

11/26/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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This is the non-final Office Action for the serial number 10/714,885, SUBSTRATE ACCOMMODATING TRAY, filed on 11/18/03.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 and 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 11-12, "the first opening joining the pair of first frame portions with each other and/or joining the pair of the second frame portions with each other" is indefinite because there is only one support member cited in claim and how is it possible if only one support member can support join both pair of first frame portions and second frame portions when the second frame portions are spaced apart and separated by the first opening in the frame. To overcome the rejection, the examiner is proposing to change it to ---the first opening joining the pair of first frame portions with each other or joining the pair of the second frame portions with each other--- for clarification.

Claims 2-8 and 10-18 are rejected as depending on rejected claim 1.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

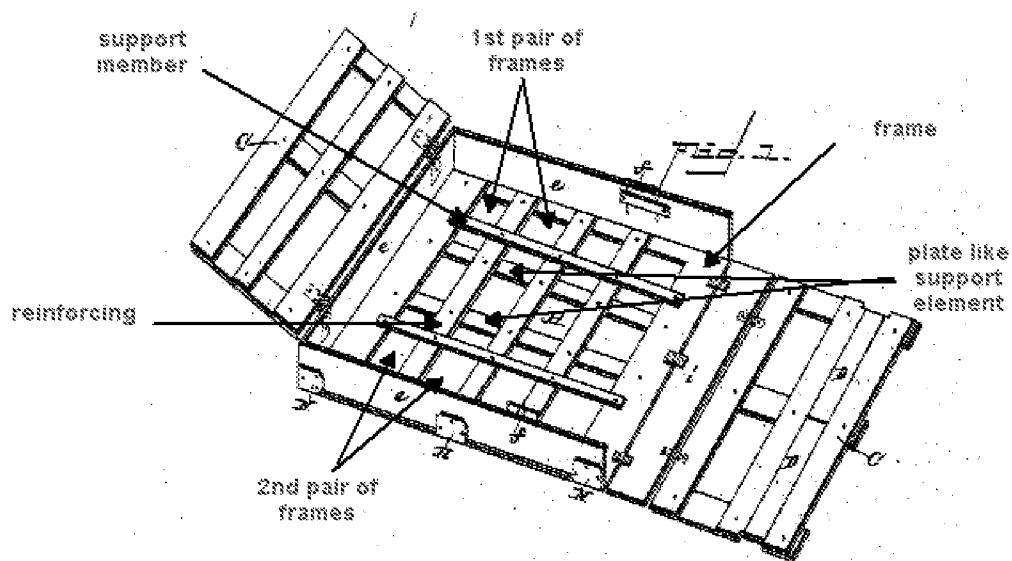
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 6 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by US

Patent # 385,085 to Auth.

Auth teaches a tray comprising a frame includes a pair of first frame portions facing each other and a pair of second frame portions facing each other, a plate-like support element having a opening provided between the pair of first frame portions and at least one support member provided along the first opening between the first of frame portions. The support element has a second opening provided between the pair of second frame portions. The try includes at least one reinforcing member provided in the support element between the pair of first frame portions. The pair of first frame portions are substantially parallel to each other. The pair of first frame portions and the pair of second frame portions are substantially perpendicular to each other. The frame is quadrangular frame. The support element and opening penetrate the area surrounded by the frame so that the opening extends through the area surrounded by the frame.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Auth in view of Japan Patent # 10,007,171 to Ikeguchi.

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Auth teaches the support element but fails to teach the support element contains a foamed synthetic resin. Ikeguchi teaches foamed synthetic resin (see abstract). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Auth's support element with foamed synthetic resin as taught by Ikeguchi to reduce weight in the support element.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Auth in view of US Patent # 6,227,372 to Thomas et al.

Auth teaches the frame and at least one support member but fails to teach the frame and at least one support member contain aluminum. Thomas teaches the aluminum (claim 11, line 3). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Auth's frame and support member with aluminum as taught by Thomas to handle high temperature applications (column 1, lines 6-9 in Thomas's invention).

Allowable Subject Matter

Claims 2, 7-8 and 10-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-8 and 10-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 385,085 to Auth

US Patent # 7,144,201 to DeArmond, Jr.

US Patent # 6,053,466 to Jordan et al.

Auth, DeArmond, Jr. and Jordan et al. teach tray for supporting an object.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrell Mckinnon can be reached on 571-272-4797. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Alfred Joseph Wujciak III/
Primary Examiner, Art Unit 3632
11/21/10